

Occupational Safety and Health Admin., Labor

Pt. 1910

- 1910.218 Forging machines.
- 1910.219 Mechanical power-transmission apparatus.

Subpart P—Hand and Portable Powered Tools and Other Hand-Held Equipment

- 1910.241 Definitions.
- 1910.242 Hand and portable powered tools and equipment, general.
- 1910.243 Guarding of portable powered tools.
- 1910.244 Other portable tools and equipment.

Subpart Q—Welding, Cutting and Brazing

- 1910.251 Definitions.
- 1910.252 General requirements.
- 1910.253 Oxygen-fuel gas welding and cutting.
- 1910.254 Arc welding and cutting.
- 1910.255 Resistance welding.

Subpart R—Special Industries

- 1910.261 Pulp, paper, and paperboard mills.
- 1910.262 Textiles.
- 1910.263 Bakery equipment.
- 1910.264 Laundry machinery and operations.
- 1910.265 Sawmills.
- 1910.266 Logging operations.
- 1910.268 Telecommunications.
- 1910.269 Electric power generation, transmission, and distribution.
- 1910.272 Grain handling facilities.

Subpart S—Electrical

GENERAL

- 1910.301 Introduction.

DESIGN SAFETY STANDARDS FOR ELECTRICAL SYSTEMS

- 1910.302 Electric utilization systems.
- 1910.303 General requirements.
- 1910.304 Wiring design and protection.
- 1910.305 Wiring methods, components, and equipment for general use.
- 1910.306 Specific purpose equipment and installations.
- 1910.307 Hazardous (classified) locations.
- 1910.308 Special systems.
- 1910.309–1910.330 [Reserved]

SAFETY-RELATED WORK PRACTICES

- 1910.331 Scope.
- 1910.332 Training.
- 1910.333 Selection and use of work practices.
- 1910.334 Use of equipment.
- 1910.335 Safeguards for personnel protection.
- 1910.336–1910.360 [Reserved]

SAFETY-RELATED MAINTENANCE REQUIREMENTS

- 1910.361–1910.380 [Reserved]

SAFETY REQUIREMENTS FOR SPECIAL EQUIPMENT

- 1910.381–1910.398 [Reserved]

DEFINITIONS

- 1910.399 Definitions applicable to this subpart.

APPENDIX A TO SUBPART S—REFERENCE DOCUMENTS

APPENDIX B TO SUBPART S—EXPLANATORY DATA [RESERVED]

APPENDIX C TO SUBPART S—TABLES, NOTES, AND CHARTS [RESERVED]

Subpart T—Commercial Diving Operations

GENERAL

- 1910.401 Scope and application.
- 1910.402 Definitions.

PERSONNEL REQUIREMENTS

- 1910.410 Qualifications of dive team.

GENERAL OPERATIONS PROCEDURES

- 1910.420 Safe practices manual.
- 1910.421 Pre-dive procedures.
- 1910.422 Procedures during dive.
- 1910.423 Post-dive procedures.

SPECIFIC OPERATIONS PROCEDURES

- 1910.424 SCUBA diving.
- 1910.425 Surface-supplied air diving.
- 1910.426 Mixed-gas diving.
- 1910.427 Liveboating.

EQUIPMENT PROCEDURES AND REQUIREMENTS

- 1910.430 Equipment.

RECORDKEEPING

- 1910.440 Recordkeeping requirements.

APPENDIX A TO SUBPART T OF PART 1910—EXAMPLES OF CONDITIONS WHICH MAY RESTRICT OR LIMIT EXPOSURE TO HYPERBARIC CONDITIONS

APPENDIX B TO SUBPART T OF PART 1910—GUIDELINES FOR SCIENTIFIC DIVING

APPENDIX C TO SUBPART T OF PART 1910—ALTERNATIVE CONDITIONS UNDER §1910.401(a)(3) FOR RECREATIONAL DIVING INSTRUCTORS AND DIVING GUIDES (MANDATORY)

Subparts U–Y [Reserved]

- 1910.901–1910.999 [Reserved]

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Subpart A—General

AUTHORITY: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657); Secretary of Labor's

§ 1910.1

Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), and 5-2002 (67 FR 65008), as applicable.

Sections 1910.7 and 1910.8 also issued under 29 CFR part 1911. Section 1910.7(f) also issued under 31 U.S.C. 9701, 29 U.S.C. 9 a, 5 U.S.C. 553; Public Law 106-113 (113 Stat. 1501A-222); and OMB Circular A-25 (dated July 8, 1993) (58 FR 38142, July 15, 1993).

EFFECTIVE DATE NOTE: At 72 FR 7190, February 14, 2007, the authority citation for Subpart A was revised, effective Aug. 13, 2007. For the convenience of the user, the revised text is set forth as follows:

AUTHORITY: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), or 5-2002 (67 FR 65008), as applicable.

Sections 1910.6, 1910.7, and 1910.8 also issued under 29 CFR part 1911. Section 1910.7(f) also issued under 31 U.S.C. 9701, 29 U.S.C. 9 a, 5 U.S.C. 553; Public Law 106-113 (113 Stat. 1501A-222); and OMB Circular A-25 (dated July 8, 1993) (58 FR 38142, July 15, 1993).

§ 1910.1 Purpose and scope.

(a) Section 6(a) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593) provides that "without regard to chapter 5 of title 5, United States Code, or to the other subsections of this section, the Secretary shall, as soon as practicable during the period beginning with the effective date of this Act and ending 2 years after such date, by rule promulgate as an occupational safety or health standard any national consensus standard, and any established Federal standard, unless he determines that the promulgation of such a standard would not result in improved safety or health for specifically designated employees." The legislative purpose of this provision is to establish, as rapidly as possible and without regard to the rule-making provisions of the Administrative Procedure Act, standards with which industries are generally familiar, and on whose adoption interested and affected persons have already had an opportunity to express their views. Such standards are either (1) national consensus standards on whose adoption affected persons have reached substantial agreement, or (2) Federal standards already established by Federal statutes or regulations.

29 CFR Ch. XVII (7-1-07 Edition)

(b) This part carries out the directive to the Secretary of Labor under section 6(a) of the Act. It contains occupational safety and health standards which have been found to be national consensus standards or established Federal standards.

§ 1910.2 Definitions.

As used in this part, unless the context clearly requires otherwise:

(a) *Act* means the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590).

(b) *Assistant Secretary of Labor* means the Assistant Secretary of Labor for Occupational Safety and Health;

(c) *Employer* means a person engaged in a business affecting commerce who has employees, but does not include the United States or any State or political subdivision of a State;

(d) *Employee* means an employee of an employer who is employed in a business of his employer which affects commerce;

(e) *Commerce* means trade, traffic, commerce, transportation, or communication among the several States, or between a State and any place outside thereof, or within the District of Columbia, or a possession of the United States (other than the Trust Territory of the Pacific Islands), or between points in the same State but through a point outside thereof;

(f) *Standard* means a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment;

(g) *National consensus standard* means any standard or modification thereof which (1) has been adopted and promulgated by a nationally recognized standards-producing organization under procedures whereby it can be determined by the Secretary of Labor or by the Assistant Secretary of Labor that persons interested and affected by the scope or provisions of the standard have reached substantial agreement on its adoption, (2) was formulated in a manner which afforded an opportunity for diverse views to be considered, and (3) has been designated as such a standard by the Secretary or the Assistant Secretary,